REMARKS

Claims 10, 21, and 31 are cancelled. No new claims are added. Claims 1-9, 11-20, 22-30, and 32-35 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed September 24, 2007 is addressed hereinafter.

I. ISSUES RELATING TO PRIOR ART

A. CLAIMS 1-35

Claims 1-35 stand rejected under 35 U.S.C. § 102(e) as allegedly unpatentable over Baekelmans. The rejections are respectfully traversed.

A rejection for anticipation under §102 is traversed if the claims recite one or more features, elements, steps or limitations that are not found in the cited reference. Stated another way, the cited reference must teach or disclose each and every feature of the claims, arranged as in the claims. *See Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

By citing Baekelmans under § 102(e), the Office is contending that Baekelmans shows each and every feature of the claims, arranged as in the claims. The Office cannot contend that Baekelmans is missing a feature or has the equivalent of a feature, because Baekelmans is not citable under 35 U.S.C. 103(a). Baekelmans does not qualify as a reference under 35 U.S.C. 102(b) and therefore is unavailable as a reference under the "common ownership" provisions of 35 U.S.C. 103(c). Both Baekelmans and the present application are owned by Cisco Technology, Inc., San Jose, California.

Any and all statements herein with respect to Baekelmans are given solely to clarify how the subject matter of the present application is patentable over Baekelmans and are not intended to interpret the claims of Baekelmans or to limit or narrow the scope of any claim of Baekelmans as applied to any third party product, process or manufacture.

Each of the independent claims now recites the subject matter of original claims 10, 21, and 31. Thus, the amendments herein merely incorporate dependent claims and should not require further search or raise new issues for consideration. All independent claims recite that the claims relate to a first network among a plurality of networks, and that the claimed approach includes "receiving a request from a user to employ a particular rule in managing a second network, separate from the first network; and distributing to a device on the second network the one or more RBML documents storing the particular rule." The above-quoted features are not found in Baekelmans, and therefore the rejection is overcome.

In addressing original claim 10, the Office Action contends that Baekelmans discloses a first network in a plurality of networks in the form of the Internet. (Office Action, page 8, paragraph 15.) This reflects an incorrect interpretation of applicants' claims and disclosure. The "network" referenced in the claims is a managed network, because the claimed approach recites monitoring events of network devices and it is only possible to receive event data from devices that are managed in some way. In Baekelmans, only one set of "customer premises resources 12" is shown, not a plurality of sets of managed customer premises resources 12. Baekelmans clearly shows customer premises resources 12 separate from Internet 17 to distinguish the two. Rules are developed in the Baekelmans system for use in troubleshooting resources 12, not Internet 17.

Baekelmans also provides no way for receiving a request from a user to employ a particular rule in managing a second set of customer premises resources 12, separate from the first set of customer premises resources 12; and distributing, to a device on the second set of customer premises resources 12, the one or more RBML documents storing the particular rule. The Office Action contends that "receiving a request from a user to employ a particular rule in managing a second network" is inherent, relying on Baekelmans 12:16-19. This is incorrect. Baekelmans 12:16-19 merely states that "The device troubleshooting resource 44 sends in step 126 the results of the correlation to the notification application 38 for delivery to the device manager specified in the customer contact database 52." Thus the device troubleshooting

resource 44 sends information; it does not inherently receive a request. Baekelmans describes delivering results but does not recognize the benefit of receiving a request to move results or a rule to a different managed network.

Further, the device troubleshooting resource 44 is clearly interacting only with one set of customer premises resources 12 and there is no provision made for moving results to an entirely different set of customer premises resources 12. This would make no sense in Baekelmans, which provides an automated system for determining what problem exists in a particular network based on events and application of rules. The Baekelmans disclosure does not recognize a way for the automated system to know that a rule is applicable to an entirely different set of resources that may have none of the same events. The present disclosure does.

Thus, there is no reason that the Baekelmans system inherently requires or provides for receiving a request from a user to use a particular rule, which has been established for a first network, in managing a second network. The Office Action is applying an unreasonably over-broad interpretation to Baekelmans by "reading in" a feature that is not fairly found in Baekelmans, explicitly or by inherency. Further, the Office may not properly use the doctrine of inherency in an anticipation rejection as a substitute for an obviousness rejection under 35 U.S.C. 103(a) when a reference is known to be unavailable under the "common ownership" provisions of 35 U.S.C. 103(c).

For at least the foregoing reasons, Claim 1 is not taught in full by Baekelmans and is in condition for allowance. Therefore, removal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

B. CLAIMS 11, 15, 22, and 32

The Office Action stated the same reasons in rejecting Claims 11, 15, 22 and 32 to those in rejecting present Claim 1. Claims 15, 22 and 32 recite the same features discussed above that make Claim 1 patentable over Baekelmans. Therefore, for at least the same reasons set forth above by the Applicant in connection with present Claim 1, it is respectfully submitted that each of Claims 11, 15, 22 and 32 is patentable over Baekelmans under 35 U.S.C. § 102(e).

C. DEPENDENT CLAIMS

The claims not discussed thus far are dependent claims, each of which depends (directly or indirectly) on one of the independent claims discussed above. Each of the dependent claims is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of the dependent claims introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

II. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

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/ChristopherJPalermo#42056/
Christopher J. Palermo
Reg. No. 42,056

2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076